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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/446,834	04/14/2000	HANS-JOACHIM BECK	67190/984412	2964

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
BULLOCK JR, LEWIS ALEXANDER	
ART UNIT	**PAPER NUMBER**
2126	10

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/446,834	BECK, HANS-JOACHIM	
	Examiner	Art Unit	
	Lewis A. Bullock, Jr.	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3 and 4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3 and 4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 4 details the software tool depositing at least one data group of the data of the first object into the second object so that at the beginning of the access to the second object, the software tool does not incorporate **the** at least one data group of the first object into the second object. The claim is contradicting itself. The claim details that the data group is deposited into the second object but then states that the data group is not incorporated into the second object. If the data group is deposited into the second object, it is incorporated into the second object. The examiner has found instances in the specification wherein one data group is deposited into the second object and **other** data groups are not deposited or incorporated into the second object. Based on this interpretation the examiner is rejecting the claims. However, the examiner has not found any disclosure within the specification wherein a data group is deposited into the second object and also not incorporated into the second object at the same time.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by BERRY (EP 0 725 337 A1).

As to claim 3, BERRY teaches a programming device (data processing system), comprising: a software tool (object oriented development environment, OODE) processing objects (palette of objects) (pg. 2, lines 28-29; pg. 3, lines 47-49); a first object (prototypical object) having data (attribute) (pg. 3, lines 50-57); and a second object (derived object) having a pointer (reference) (pg. 3, line 11), the first object (prototypical object) being a model (same class) for the second object (derived object) (pg. 4, lines 3-6), the software tool (OODE) incorporating at least some of the data (attributes) of the first object (prototypical object) into the second object (derived object) (pg. 4, lines 3-6,"Derived objects are of the same class and instance as the prototypical object from which they were derived and take all of their attribute information from the prototypical objects."); pg. 5, lines 16-19). BERRY also teaches accessing the second object (derived object) (pg. 4, lines 27-33). It is inherent that since the second object (derived object) stores attribute information of the first object (prototypical object) (pg. 4, lines 3-6; pg. 5, lines 16-19) and is accessible by the user to modify its attribute information (pg. 4, lines 27-33), that the incorporation of data (attribute information copied to derived object from the prototypical object) is performed at a beginning of an access to the second object (modification of the attributes of the derived object).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over BERRY (EP 0 725 337 A1) in view of "Java Programming Basics" by EDITH.

As to claim 4, BERRY teaches the software tool (OODE) deposits at least one data group of the data (attributes) of the first object (prototypical object) into the second object (derived object). However, BERRY does not teach the software tool does not incorporate the at least one data group of the first object into the second object.

EDITH teaches the concept (inheritance / polymorphism) of not incorporating the at least one data group (private variables / static variables / overridden methods) of the first object (the class / superclass) into the second object (derived class / subclass) (pg. 7, private paragraph, static variable paragraph; pg. 11, Overriding Methods paragraph). It would be obvious by the combination of BERRY and EDITH that the prototypical object has private or static variables such that when one creates a derived object that those variables are not incorporated. It would also be obvious by the combination of BERRY and EDITH that the derived class has overriding methods corresponding to the methods of the prototypical object and that when one creates a derived object that the overridden methods of the prototypical object are not incorporated into the derived object. Therefore, it would be obvious to combine the teachings of BERRY with the

teachings of EDITH in order to facilitate the control of object-oriented concepts (pg. 24, first and second paragraphs).

Response to Arguments

5. Applicant's arguments filed 7/14/03 have been fully considered but they are not persuasive. Applicant argues that Berry does not teach a second object having a pointer, the first object being a model for the second object, the software tool incorporating at least some of the data of the first object in to the second object at a beginning of an access to the second object and the prototypical objects are incorporated by a software tool at a beginning of an access to the derived objects. The examiner disagrees. First, Berry teaches a second object (derived object) having a reference to a first object (prototypical object) (pg. 3, line 11; abstract). A reference as defined by various computer dictionaries is a pointer that can be used to access a variable (See cited Microsoft citation). Therefore, Berry teaches the second object having a pointer. Berry then the copying of prototypical objects which are called derived objects wherein the derived objects take all of their attribute information from the prototypical objects (pg. 4, lines 3-6). Therefore, Berry teaches the first object (prototypical object) being a model for the second object (derived object) since the derived object is a copy of the prototypical object and takes all of its attribute information. Berry then teaches a program developer is capable of creating a derived object from a prototypical object wherein the derived object incorporates some of the data, i.e. attribute information, of the prototypical object through object oriented

development environment (OODE) (pg. 3, line 47-49; pg. 4, line 3-6). Therefore, Berry teaches the software tool (OODE) incorporating at least some of the data of the first object (attribute information of the prototypical object) in to the second object (derived object). Berry then teaches that the user can change the derived objects attribute values individually (pg. 5, lines 30-38). It is inherent in the teachings of Berry that since the derived objects are copies of a prototypical object that incorporate (copies) the prototypical object's attribute information and are modifiable by the user individually, that the attribute information of the prototypical object is stored in the second object, i.e. the derived object, before the attribute information is modified by the user, hence at a beginning of an access to the second object. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the prototypical objects are incorporated by a software tool at a beginning of an access to the derived objects) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims detail that the software tool incorporates at least some of the data of the first object into the second object at a beginning of an access to the second object. This claimed limitation is met as disclosed by the examiner above. The claims do not allude that the prototypical object is removed from being a single object to being incorporated into the derived objects as it seems Applicant is arguing. However, even for the sake of argument, that the limitation was claimed, Berry still teaches that the derived objects are copies of the prototypical object.

Therefore, the prototypical object is incorporated into the derived object since it is a copy of the prototypical object.

Applicant then argues that neither Berry nor Edith suggest or teach the software tool deposits at least one data group of the data of the first object into the second object so that at the beginning of the access to the second object, the software tool does not incorporate the at least one data group of the first object into the second object. The examiner disagrees. As explained above, Berry teaches the a second object having a pointer, the first object being a model for the second object, the software tool incorporating at least some of the data of the first object into the second object at a beginning of an access to the second object. However, Berry does not teach the software tool does not incorporate the at least one other data group of the first object into the second object. Edith teaches object oriented inheritance wherein attributes (private variables / static variables / overridden methods) of one object (object created from class / superclass) are not inherited by another object (object created by derived class / subclass) derived from the first object (pg. 7, private paragraph, static variable paragraph; pg. 11, Overriding Methods paragraph). Berry teaches that objects are instances of classes (pg. 2, lines 15-21). Therefore, the combination would allow for attributes of a prototypical object defined as private in the prototypical class to not be incorporated in the derived object. Therefore, the combination meets the limitations as interpreted.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0286.

Lewis A. Bullock Jr

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